UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

--X
                                         :

UNITED STATES OF AMERICA,   :

                                      :

            -v-   :   20-CR-645 (PAE)

                                      :

THOMAS CAPUTO,   :   SCHEDULING ORDER
JOSEPH RUZZO,   :
JOHN NUGENT,   :
JOSEPH BALESTRA, and,   :
FRANK PIZZONIA   :

                               :

                    Defendants.   :

                               :

--X

PAUL A. ENGELMAYER, District Judge:

      The Court schedules a telephonic arraignment in this case for **February 10, 2021** at **2:30**

p.m. The parties are to consult the Court's Emergency Individual Rules and Practices in Light of

COVID-19, available at https://www.nysd.uscourts.gov/hon-paul-engelmayer. To access the

conference, the parties should call 888-363-4749 and use access code 468-4906.

      SO ORDERED.

                                   _____

Dated: February 5, 2021   PAUL A. ENGELMAYER
       New York, New York   United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X

UNITED STATES OF AMERICA

                     -v-

                ,
                Defendant.
---X

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

      -CR-   **(PAE)**

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I understand I may have a right to appear before a judge in a courtroom in the Southern District of New York to obtain new counsel and to have my current attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse.   I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge in connection with the conference to address my request for new counsel. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me for the conference so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding.   I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____   _____
                                                     Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____   _____
                                                  Signature of Defense Counsel

Accepted: _____
                  Signature of Judge
                  Date:

3